

### **REMARKS/ARGUMENTS**

At the outset, Applicants acknowledge with appreciation the Examiner's courtesy in conducting the interview with Applicant's representative on February 13, 2006. The contents of the interview are summarized in the following remarks.

In paragraph 2 of the Office Action, the application was objected to under 37 C.F.R. §1.172(a) for not establishing an ownership interest by the assignee. As discussed during the interview, a Certificate under 37 C.F.R. §3.73(b) establishing the assignee's ownership interest in the present application was included with an Exclusive Substitute Power of Attorney filed on September 20, 2004. With reference to the §3.73(b) statement, the recordation relating to Trak International, Inc. to George Woolsey recorded December 1, 1997 was a security interest only and did not affect the ownership of the application. Thus, the subsequent assignments from (1) Trak International, Inc. to JLG Acquisition Corporation and (2) JLG Acquisition Corporation to JLG OmniQuip, Inc. properly establish ownership of the application with JLG OmniQuip, Inc. During the interview, Examiner Culbreth indicated that the 3.73(b) statement is sufficient.

Applicants thus respectfully submit that a subsequent submission is not necessary to establish ownership interest in the subject application. During the interview, Examiner Culbreth confirmed that no such additional statement is required.

With regard to the Consent of Assignee form, a substitute Consent and Offer to Surrender is submitted herewith. The consent is signed by a representative of the assignee, JLG OmniQuip, Inc. Withdrawal of the objection is thus respectfully requested.

In paragraph 3, the Office Action contends that the amendments to the claims are not in conformance with 37 C.F.R. §1.173. During the interview, Examiner Culbreth suggested that we submit a complete listing of all claims and include underlining and brackets for additions and

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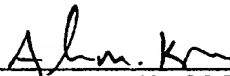
deletions, respectively, relative to the original patent claims. This claim listing as suggested by the Examiner is provided above.

In view of the foregoing remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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Attachment: Substitute Consent of Assignee and Offer to Surrender